

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DOLORES LOZANO,

Plaintiff,

v.

BAYLOR UNIVERSITY; ART BRILES;
IAN MCCAW,

Defendant.

§
§
§
§
§
§
§

Civil Action No. 6:16-CV-00403-RP

JOINT ADVISORY REGARDING PRETRIAL CONFERENCE

TO THE HONORABLE JUDGE ROBERT PITMAN:

Plaintiff Dolores Lozano (“Lozano”) and Defendants Baylor University (“Baylor”), Art Briles (“Briles”), and Ian McCaw (“McCaw”) file this Joint Advisory Regarding Pretrial Conference.

Pending before the Court are the parties’ Motions in Limine and objections thereto, Dkts. 254-8, 255-8, 253-9, 251-8, 267-3, 270, 266, 261; their Deposition Designations and objections thereto, [Dkts. 254-6, 255-6, 265, 274, 267-1, 268-269, 263]; and their Trial Exhibit Lists and objections thereto, [Dkts. 254-4, 255-4, 273, 253-4, 251-4, 267-2, 272, 264, 262]. A pretrial hearing to address the parties’ pretrial objections and Motions in Limine is scheduled for September 29, 2023. Dkt. 246.

The parties are aware that the number of exhibits and objections to those exhibits are significant. To streamline the issues for the Court and reduce the number of disputes between the parties prior to the pretrial conference, the parties conferred this week on their respective objections to exhibits, deposition designations and Motions in Limine. As a result of that conference, it became apparent to the parties that rulings from the Court on the Motions in Limine would assist the parties in resolving some of their objections to deposition designations and exhibits, because many exhibits and deposition designations are the subject of objections that are presented to the Court in the issues presented in the Motions in Limine. For example, dependent on the Court’s rulings, some of the

exhibits may no longer be relevant and withdrawn. In addition, while the parties may need to make certain objections for error preservation, they could do so in a way that minimizes the burden on the Court.

For these reasons, the parties respectfully suggest that the Court rule on their Motions in Limine first at the pretrial conference and then consider re-convening at a subsequent date, if possible with the Court's schedule, to enable the parties to further confer and reach agreements on as many deposition and exhibit objections as possible prior to asking the Court to resolve those disputes.

Respectfully submitted,

<p>Weisbart Springer Hayes LLP</p> <p>By: <u>/s/ Julie A. Springer</u> Julie A. Springer Texas Bar No. 18966770 Sara E. Janes Texas Bar No. 24056551 212 Lavaca Street, Suite 200 Austin, Texas 78701 (512) 652-5780 (telephone) (512) 682-2074 (fax) jspringer@wshllp.com sjanes@wshllp.com</p> <p>Thompson & Horton LLP</p> <p>Lisa A. Brown Texas Bar No. 03151470 Phoenix Tower, Suite 2000 3200 Southwest Freeway Houston, Texas 77027-7554 (713) 554-6741 (telephone) lbrown@thompsonhorton.com</p> <p>Holly G. McIntush Texas Bar No. 24065721 8300 N. MoPac Expwy, Suite 220 Austin, Texas 78759 (512) 615-2350 (telephone) (512) 682-8860 (fax) hmcintush@thompsonhorton.com</p> <p>K. Adam Rothery Texas Bar No. 24051274 Leila H. Gary Texas Bar No. 24058790 500 N. Akard Street, Suite 3150 Dallas, Texas 75201 (972) 441-4527 (telephone) arothery@thompsonhorton.com lgary@thompsonhorton.com</p> <p>ATTORNEYS FOR DEFENDANT BAYLOR UNIVERSITY</p>	<p>The Zalkin Law Firm, P.C.</p> <p>By: <u>/s/ Sheila Haddock</u> Sheila Haddock Texas Bar No. 00790810 Irwin Zalkin (<i>pro hac vice</i>) 10590 W. Ocean Air Drive, Suite 125 San Diego, California 92130 (858) 259-3011 (telephone) (858) 259-2015 (fax) sheila@zalkin.com irwin@zalkin.com</p> <p>Zeke O. Fortenberry Texas Bar No. 24061361 Fortenberry Firm PLLC 18333 Preston Road, Suite 375 Dallas, Texas 75252 (469) 626-7373 (telephone) (469) 716-4190 (fax) zeke@fortenberryfirm.com</p> <p>ATTORNEYS FOR PLAINTIFF DOLORES LOZANO</p>
---	--

<p>Hartline Barger LLP</p> <p>By: <u>/s/ David W. Green</u> Darrell L. Barger Texas Bar No. 01733800 David W. Green Texas Bar No. 08347475 1980 Post Oak Blvd., Suite 1800 Houston, Texas 77056 (713) 759-1990 (telephone) (713) 652-2419 (fax) dbarger@hartlinebarger.com dgreen@hartlinebarger.com</p> <p>Colin L. Powell Texas Bar No. 24092984 8750 North Central Expressway, Suite 1600 Dallas, Texas 75231 (214) 369-2100 (telephone) (214) 369-2118 (fax) cpowell@hartlinebarger.com</p> <p>Ernest Cannon Texas Bar No. 03746000 P.O. Box 1193 Stephenville, Texas 76401 (254) 918-1006 (telephone) Ernestcannon1@yahoo.com</p> <p>ATTORNEYS FOR DEFENDANT ART BRILES</p>	<p>Fanning, Harper, Martinson, Brandt & Kutchin, P.C.</p> <p>By: <u>/s/ Thomas P. Brandt</u> Thomas P. Brandt Texas Bar No. 02883500 Stephen D. Henninger Texas Bar No. 0784256 Two Energy Square 4849 Greenville Ave., Ste. 1300 Dallas, Texas 75206 (214) 369-1300 (telephone) (214) 987-9649 (fax) tbrandt@fhmbk.com shenninger@fhmbk.com</p> <p>ATTORNEYS FOR DEFENDANT IAN McCAW</p>
--	---